

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	Case 21-10194-GLT
Michael J. Colello, Jr.	:	
Debtor,	:	Chapter 13
	:	
_____	:	Docket No: _____
Michael J. Colello, Jr.	:	
Movant,	:	
vs.	:	
	:	
Ronda J. Winnecour, Esquire,	:	
Chapter 13 Trustee,	:	
Respondents.	:	

**STIPULATION and ORDER**

AND NOW COMES, Michael J. Colello, Jr. (the "Debtor") and Ronda Winnecour ("Chapter 13 Trustee") by and through undersigned counsel, and hereby stipulate to the following terms.

WHEREAS, the Debtor filed the above-mentioned Chapter 13 case on April 9, 2021; and

WHEREAS, a 2019 GMC Acadia (VIN 1GKKNKLA7KZ294672) was part of the Debtor's Bankruptcy Estate and scheduled;

WHEREAS, the vehicle was recently in an accident and "totaled" pursuant to the Debtor's insurance provider;

WHEREAS, the insurance provider has disbursed a check to the Trustee in the amount of \$25,092.69 to satisfy the account with Santander Consumer USA, Inc.

WHEREAS, Santander filed a claim (CI #5) in the amount of \$30,099.44 of which, according to Trustee's records, it was paid \$5,230.99 in principal prior to the accident, leaving a principal balance due, as of the date the record was closed off due to the accident of \$24,868.45

WHEREAS, Given what appears to be the nominal difference between the amount disbursed to the Trustee for payment of the Santander claim and the principal amount reflected in the Trustee's records as still due Santander, and given the possible issue of interest on the claim pending disbursement of the payoff amount, Debtor has requested and Trustee will not dispute that the entire balance of \$25,092.69 be paid over to Santander in the normal distribution cycle; and

NOW THEREFORE, the parties agree as follows:

1. The Trustee is authorized to disburse the \$25,092.69 of insurance proceeds to Santander Consumer USA, Inc, in her ordinary distribution cycle.
2. The Trustee shall close off the payment record on the secured claim of Santander Consumer USA, Inc. and there shall be no further disbursements on account of such claim through the plan. Debtor remains responsible to deal with title transfer to the extent necessary.
3. Debtor shall report, in the form of an amended Schedule B (and C if relevant) any refund from Santander or any other insurance proceeds as a result of the accident.
4. The Debtor shall file an amended plan within seven (7) days removing the totaled vehicle and addressing all claims appropriately.
5. This Stipulation represents the entire agreement between the Movant and the Chapter 13 Trustee.

So ordered this \_\_\_\_ day of \_\_\_\_\_, 2022.

BY THE COURT:

\_\_\_\_\_  
Gregory L. Taddonio,  
U.S. Chief Bankruptcy Judge

Consented to:

/s/ Owen D. Katz, Esquire  
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